

REMARKS

The present application currently has Claims 1 through 17 pending. By the office action of December 4, 2002 Claims 1 through 17 were rejected. By the present amendment, Claims 10 and 14 have been amended, and new Claims 18 through 25 have been entered. The Applicant respectfully requests reconsideration of the Claims 1 through 25 as amended.

The Examiner rejected Claims 1-17 under 35 USC 103(a) as being unpatentable over Bridger et al. US Patent 6,272,209 (Bridger), in view of Burnett et al. US Patent 6,067,030 (Burnett) further in view of Kleffner US Patent 5,734,711 (Kleffner). The Applicant respectfully traverses these rejections.

The Applicant submits that there is no teaching in the references, individually or in combination, which would suggest to one skilled in the art that their teachings would desirably be combined to provide the teaching of the present Application. In addition, the Applicant submits that there is no combination of the cited references which would correspond to or make obvious the presently claimed invention.

The present invention is an improvement of, or addition to, a customer premises integrated services hub, ISH. This ISH provides telephony services to customer premises telephone receivers by connecting them to a wide area network. It does not provide connections to POTS, plain old telephone service. Since POTS is not available, the ISH must be provided with electrical power to operate. Under normal circumstances, this power is provided by connection to the standard AC power circuit in the customer premises. Since that connection or circuit may fail for various reasons, a backup power supply, e.g. a battery, is included in the ISH to provide power during AC power failure. The present invention is directed to a system for notifying the customer using a telephone at the customer premises when AC power has failed, so that the customer can reduce his usage to conserve battery power, and take action to restore AC power, which may be as simple as plugging in a cord which has been accidentally unplugged or resetting a circuit breaker. In similar fashion, the present invention is directed to notifying the user in the event that the wide area network connection has been lost.

The references cited by the Examiner are directed to different types of telephone systems and/or solutions to different types of problems.

Bridger is directed to customer premises equipment, CPE, which is similar to the ISH. It does connect customer premises telephone receivers to central office, CO, equipment. However,

it is a dual system, having two different connections to the CO. It has both a POTS connection and a DSL connection. The DSL portion of the system must be connected to power in the customer premises. The POTS service is powered from the local office and does not need a power source from the customer premises. The POTS connection is considered a backup to the preferred DSL connection and is used only when the AC power at the customer premises fails. In the Bridger system, the DSL portion of the system is powered by connection to the AC circuit in the customer premises. However, Bridger does not provide a backup power system, e.g. battery, in the event that the AC power circuit fails. Instead, the Bridger system simply connects the customer premises telephone lines, or at least one of them, to the POTS service, which provides its own power to the telephone receivers, but not enough power to operate the DSL circuits.

As noted above, the present invention is part of a different type of customer premises equipment, which does not have or rely on POTS service for backup. In practice, the local telephone companies do not want to provide the equipment needed for POTS service to be used only as a backup service. The present invention is directed to the practical system where backup power must be provided in case of loss of AC power at the customer premises.

Burnett on the other hand provides a computer and program for emergency management of information concerning backup power at a central office, CO. The main relationship it has to customer premises equipment is that customers receiving POTS service from the CO rely on power from the CO to operate their telephone receivers, e.g. to provide ring current. While it includes a detector for loss of commercial power, it provides this information, and much more information concerning battery status, fuel reserves, etc. to the technicians who need to keep the central office operating. Burnett distributes this information over the internet, not through telephone lines to a telephone receiver. Burnett does not suggest what actions are to be taken by the technicians, but is instead directed to collecting and disseminating detailed information which advises the technicians as to the time left before the CO fails. It may be assumed that the technicians would notify the power company and attempt to have commercial power restored and would locate and deliver additional fuel to the backup generators to keep them operating.

The present invention has nothing to do with loss of power at the CO or conservation of reserve power at the CO. The present invention is an improvement to customer premises equipment which is powered by AC power circuits at the customer premises, and if those fail, by

backup batteries in the customer premises equipment itself. The present invention sends a signal to the telephone receiver itself and allows the individual user to curtail their usage and take action to restore AC power at the customer premises.

Kleffner relates to yet another class of telephone equipment. It is an addition to a type of customer premises equipment. But the equipment is a large industrial system serving a large industrial site. This is clear from the fact that it claims an annual power saving of 2,000 KWH, by the fact that it depends on badge readers to determine when employees are on site and need telephone service, and by the fact that it discusses powering down the system on weekends. The Kleffner system as disclosed does not have backup power, e.g. batteries. Kleffner does not discuss what happens if the AC power mains fail to provide power. Instead Kleffner simply provides a system for turning power off, or at least reducing power, for telephone receivers during times when the equipment is not being used. Kleffner is not concerned with providing power for telephone service when AC main power has failed.

In contrast, the present invention is concerned with providing telephone service for as long as possible after the AC power circuit has failed. In particular, it provides notification to the individual users of the system so that they may curtail usage to conserve power and/or take action to restore or reconnect the AC power.

The applicant submits the three references are directed to such distinctly different types of telephone systems and problems, that there would be no suggestion in them, individually or in combination, to combine them. For example, Bridger provides a simple solution to loss of AC power in customer premises equipment without a backup battery, but which does have an alternate telephone connection to POTS service. Since it can operate indefinitely on POTS service, it does not need to notify the customer, and the DSL service will automatically reconnect when AC power is restored. There is no suggestion to combine this with a system like Burnett, which provides detailed information on the internet concerning backup power in a CO. Bridger has no backup power system about which information could be provided to anyone. Likewise, Kleffner has no backup power system and does not address the issue of what happens if AC power is lost. Instead, Kleffner intentionally turns power off to telephones which are not being used at night, weekends or when the employee is not at the office. Since Bridger and Burnett are concerned with maintaining service to telephones at all time, there is no reason to consider combining them with Kleffner.

If a reason or motivation could be found for combining the references, the combination would not be the same as, or make obvious, the present invention. The Bridger system would provide a backup by switching to POTS service. Burnett would notify technicians over a computer link of the status of backup power systems. No combination of these notifies a customer when its customer premises equipment has lost AC power and is operating on backup batteries. The teaching of Kleffner merely adds the teaching that portions of a telephone system may be powered down to reduce use of standard AC power not backup power, but does not provide backup power or suggest notifying users.

By the present amendment, the apparatus Claims 10 and 14 have been amended by making it clear that the warning signal is provided "on at least one telephone line". That is, the signal is provided to the user of the ISH at the customer premises. The method Claims 1 and 4 are believed to already be limited to use of the telephone equipment on the customer premises to notify the user of system failure because they are limited to signaling the user, who must be using the equipment to be considered a user. The applicant submits that in view of the above remarks and these amendments, Claims 1-17 are allowable over the cited references.

By this amendment, new claims 18 through 25 have been presented. Independent Claims 18 and 22 are written in Jepson format to clearly identify the type of telephone system in which the present invention provides a new function. The preambles of these claims identify the system as a customer premises system in which voice signals are coupled to a wide area network, which operates on AC power from the customer premises, which includes backup power in event of failure of the AC power, and which has at least one telephone receiver for the customer to use. The actual claim limitations are essentially the same as found in the apparatus Claims 10 through 17.

In view of the above remarks, the Applicant submits that new Claims 18 through 25 are also allowable in view of the cited references.

Applicant respectfully requests allowance of Claim 1 through 25 as amended.

If the Examiner believes it would assist in expediting the application, Applicant would welcome a telephone conference with the Examiner to improve understanding of and resolve any remaining issues.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

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